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PAPERS ON GERMANY AND BERLIN

Prepared for or during Meeting of Chiefs of State and
Heads of Government, Paris, May 1960 (in addition to Report of Working Group
on Germany including Berlin)

- 0 -

1. Proposal for Reunification of Berlin
2. Interim Arrangement for Berlin
3. Alternative Berlin Solutions
4. Proposals of the Soviet Government
5. Western Critique of New Soviet Proposals
6. Interim Agreement on Berlin - Points of Difference
in Soviet Proposals
7. Comparison of Soviet Papers of July 28, 1959 and May 9, 1960
8. Interim Berlin Agreement - Comparison of Western
and Soviet Positions
9. Three Power Communique
10. NATO Communique

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Authority <u>NND 897220</u>
By <u>HCB</u> NARA Date <u>7/7/91</u>

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By HCB NARA Date 7/4/41

PROPOSAL FOR REUNIFICATION OF BERLIN

(Approved by Western Foreign Ministers May 1, 1960 as part of report of Working Group on Germany including Berlin)

On May 26, 1959, at the Geneva Foreign Ministers' Meeting, the Secretary of State of the United States outlined a procedure under which Berlin might be reunified. France, the United Kingdom, and the United States consider that a genuine solution of the Berlin problem is possible only as a part of a settlement of the German question in its broader aspects. They believe that an attempt might be made to create more normal relationships between the two parts of Berlin as a first step towards the reunification of Germany which remains their ultimate goal.

France, the United Kingdom, and the United States propose that a meeting of the Foreign Ministers, their deputies or other appropriate representatives of the Four Powers, assisted by German experts, be convened after the end of the meeting of the Heads of Government to discuss the possibility of concluding an agreement along the following lines.

France, the United Kingdom, the United States and the Soviet Union, in the interests of creating a more normal situation in Berlin, of maintaining the integrity of Berlin and of preparing Berlin for its functions as the future capital of a reunited Germany, have agreed that:

1. Pending the reunification of Germany and as a first step towards that goal, Greater Berlin shall be governed and administered as one indivisible area.
2. The people of Berlin shall enjoy the maximum self-government compatible with the continuing rights and responsibilities of the Four Powers with respect to Berlin and to Germany as a whole and with the terms of this proposal.
3. Elections for a Berlin Constitutional Council shall be held 60 days after the conclusion of this agreement and pursuant to the following provisions:
 - a. The Constitutional Council shall consist of 100 members elected by universal, free, secret and direct ballot.
 - b. Greater Berlin shall consist of one electoral district in which elections would be conducted according to the principle of proportional representation.
 - c. Nomination lists shall be submitted by political parties which participated in the last municipal elections in either West or East Berlin.
 - d. All German citizens who on the day of the election had passed their twentieth birthday and had had their domicile in Berlin for a minimum period of six months shall have the right to vote.
 - e. All persons having the right to vote and having passed their twenty-fifth birthday on the day of the election may stand for election.

f. Appropriate

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SECRET

- 2 -

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By HCB NARA Date 7/4/61

f. Appropriate measures shall be agreed to insure freedom of elections.

g. The Constitutional Council, which shall assemble one week after the election, would draft, within 60 days, a Constitution for Greater Berlin and an electoral law. The draft Constitution and the electoral law shall be submitted for approval of the people of Berlin in a plebiscite, safeguarded in the same manner as agreed under paragraph f, to be held within 30 days after completion of the drafting of the Constitution and the electoral law. The Constitution and the electoral law shall come into effect if approved by a majority of those voting.

4. The Government of Berlin shall be free to negotiate its own administrative, economic, fiscal, and judicial relationships with the other parts of Germany and may charge any other part of Germany with its international representation. Pending German reunification, Berlin may not be incorporated into any other part of Germany.

5. Legislation and administrative actions of the government of Berlin may be suspended or cancelled only by unanimous decision of the Four Powers.

6. No person shall be prosecuted or punished by reason of his previous political activities.

7. The existing legal situation in Berlin shall remain in force until changed by law.

8. The Four Powers shall ensure free and unrestricted access between Berlin and the other parts of Germany for all persons, goods and communications by land, water and air.

9. The freedom and integrity of Berlin and access thereto shall be guaranteed by the Four Powers, who will continue to be entitled, as at present, to station troops in Berlin.

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MEMORANDUM*

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Authority NND 897220

By MCB NARA Date 7/8/81

May 11, 1960

SUBJECT: Alternative Berlin Solutions

I. Continuing Negotiation

1. The Berlin position paper (SMP D-2/1 states that "prolonging the process of discussion at a lower level without immediate commitment via Summit directives to a specific type of arrangement" might be preferable to an interim arrangement.

2. INR estimates the Soviet position as follows:

"Failing an agreement at the Summit on an interim agreement or its basic principles, the Soviets would probably be willing to agree to further, lower-level negotiations on Berlin provided the negotiations were set for an early date and it was agreed at the Summit that the situation in West Berlin is abnormal and hence needs to be ameliorated. They would insist on a time limit on negotiations by requiring a report to a second summit by a particular time, provided such an arrangement did not restrain for too long a period their freedom to exert pressure through threat of unilateral action. Otherwise they would prefer an open-ended conference instructed to reach a solution with dispatch."

3. The April 21 supplementary report of the Four Power Working Group (SMP REF-2/101) suggests a draft directive to set the stage for continuing negotiations. That directive is shown below, together with the deletions (shown by brackets) or additions (shown by underlining) which would, if the INR estimate is correct, probably be required to make it negotiable. This is not to say that these deletions and additions should be made, but merely that they are probably the least harmful way of making the changes in Four Power language which will be required if we want Summit agreement on a directive for continuing negotiation:

The Heads of Government of France, the U.K., the U.S., and the USSR have examined the question of Berlin in the desire to find mutually satisfactory solutions to the problems which have been raised and which derive essentially from the division of Berlin and of Germany. They agreed that the best solution for these problems would be the reunification of Germany^{1/}

The

* United States paper drafted in S/P and not circulated to British, French, or Germans.

^{1/} This bracketed language concerning German unity is probably non-negotiable. The Soviets did not buy such language at Geneva, when we proposed it as the preamble to July 28.

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SECRET

- 2 -

DECLASSIFIED

Authority AND 897220

By HCB NARA Date 7/5/91

The Heads of Governments have agreed on further negotiations in order to seek a mutually satisfactory agreement which would be designed to improve the existing situation regarding /on the question of/ Berlin.1/ They have accordingly directed their Foreign Ministers promptly 2/ to undertake, through such means as the latter deem most appropriate, a further discussion of this question and to develop specific proposals which might, if necessary, be considered in a future meeting of the Heads of Government, and, in any event, to report back to the Heads of Government no later than 3/

The Four Powers further declare that they will refrain from any action which would materially affect the existing situation with respect to Berlin in such a way as to /or access thereto or which would otherwise/4/ prejudice the success of the negotiations.

II. Interim

- 1/ This change is to meet the INR-estimated requirement for some indication that the purpose of the renewed negotiations would be to improve the situation in Berlin which the Secretary has said on several occasions.
- 2/ To indicate that the negotiations would be set for an early date and to imply that they would proceed with dispatch.
- 3/ To meet the INR estimated requirement for a time limit on the negotiations.
- 4/ This change is to limit the scope of the actions which would be proscribed by this declaration to those that would so materially affect the Berlin situation as to prejudice success of negotiations -- and thus, by implication, to actions that might take place during negotiations. The existing Working Group language would proscribe any action which would materially affect the situation (presumably at any time) and thus (i) would probably be non-negotiable, (ii) might be used by the Soviets to denounce minor Western actions, e.g., sending new troops or weapons into the area. The revised language might be negotiable, in view of Gromyko's statement in the FM meeting of July 23, 1959, that "During ... the course of the negotiations ... no unilateral action will be taken by the Soviet Union. Of course, we go on the basis that no violation of the agreement would be permitted by other participants in the agreement." The Soviets might seek to cover this point in separate statement along these lines, rather than in the agreement.

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SECRET

- 3 -

DECLASSIFIED

Authority NND 897220

By HC8 NARA Date 7/8/94

II. Interim Agreement

4. If we decided to go for an interim agreement, it would probably not be possible or desirable for the Summit to reach agreement on its detailed terms -- but only on a directive for continuing negotiations looking to an interim agreement. Before considering the text of such a directive (under III, below), it may be useful to consider what sort of an agreement the directive would be designed to produce.

5. One Western starting point might be the July 28 proposal. The April 21 supplementary report of the Four Power Working Group suggested various improvements in that proposal -- most of which would probably be non-negotiable. It was agreed that the specific use of these changes would depend on the tactical situation at the Summit. Most of these improvements would also increase the length and complexity of this agreement and thus compound its appearance of formality. This could work to our disadvantage; the more imposing an interim agreement, the greater the implication that we have felt compelled to negotiate a new lease on Berlin -- if only for a fixed period. Our object should be not to expand and elaborate but rather to contract our July 28 proposal -- and to cast it, insofar as possible, in a declaratory form which might have less flavor of a new leasehold on Berlin than a full-blown formal agreement.

6. INR estimates the Soviet minimum requirements for an interim agreement as follows:

"(a) The Soviet Union would want above all to retain a free hand to challenge Western rights in Berlin after the interim agreement expired. While it might be willing to recognize the continued validity of existing agreements concerning Western rights as well as access during the interim period, it would require the agreement to carry at least the implication that a 'change in the existing situation' was taking place.

"(b) The Soviets would insist on some time limit, the length depending somewhat on how advantageous they considered the rest of the agreement. Three years seem about the maximum.

"(c) The Soviets would require agreement on at least a Western troop freeze and exclusion of nuclear weapons. They would probably insist at least on some provision on 'subversion and propaganda,' as well as on a pro forma supervisory organ, though they may hold out for some inspection rights regarding Western traffic."

7. Some elements of the British viewpoint have been revealed in two separate conversations:

(a) On October 22, 1959, Lord Hood suggested to Mr. Merchant that we should handle the "rights" issue by getting Khrushchev to make a separate statement at the Summit that the Soviets would not take unilateral action purporting to end Western rights, at least until after negotiations at the end of the period of the interim agreement for a more lasting settlement had broken down.

(b) On

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SECRET

- 4 -

DECLASSIFIED

Authority AND 897220

By HC NARA Date 7/94

(b) On November 5, 1959, Lord Hood suggested to Mr. Kohler that an interim agreement might provide for a "symbolic" force reduction of 3,000 men.

8. The most recent U. S. position is reflected in the draft interim agreement which Mr. Merchant handed Lord Hood on October 22, and which is shown below with a few suggested changes:

SUGGESTED TERMS FOR A MODUS VIVENDI ON BERLIN

The Four Powers Having responsibility for Berlin^{71/} DECLARE:

I. That atomic weapons or missile installations will not be located in Berlin;

II. That on a reciprocal basis measures will be taken, consistent with fundamental rights and liberties, to avoid activities in or with respect to Berlin which might either disturb public order or seriously affect the rights and interests of others or affect the preservation of peace. ^{2/}

III. That access to West Berlin will be maintained in accordance with the procedures now in effect:

The Four Powers moreover NOTE:

I. The declaration of the Soviet Government that it does not intend to maintain forces in Berlin and the declaration of the Governments of France, United Kingdom and the United States that they do not intend to increase their forces in West Berlin above their present level.

The Four Powers also AGREE:

I. That disputes which may arise concerning the conduct of the Four Powers pursuant to this declaration will be raised and settled among the Four Powers. ^{3/}

II. That

1/ Highly desirable, but almost certainly non-negotiable. Not included in our July 28 proposal.

2/ These changes are suggested in supplementary report of Four Power Working Group, presumably on German account.

3/ This comes from our July 28 proposal, and responds to the INR estimate that the Soviets will require some pro forma supervisory organ. More importantly, it ensures that the Soviets will have someone on hand in Berlin, to whom we can have instant access for settling disputes.

SECRET

SECRET

- 5 -

DECLASSIFIED

Authority NND 897220

By HCB NARA Date 7/5/91

II. That the terms of this declaration shall remain effective for three years, after which any of the Four Powers shall be entitled to propose a change. In that event, the Four Powers agree that the discussions will be resumed on the understanding that the existing /rights and responsibilities of the Four Powers/ juridical situation concerning Berlin /and access to the city are/ is not affected /or impaired/ by this declaration. 1/ Alternative last sentence of II: The Four Powers agree that no unilateral action will be taken during the period of this agreement or of subsequent negotiations which would impair the rights or interests of any of the parties.1/

III. Continuing Negotiation for an Interim Agreement

9. A Summit directive for continuing negotiation looking to an interim agreement might be agreed on simply by inserting the words "for an interim agreement" in the directive to the Foreign Ministers suggested in paragraph 3 of this memorandum -- as follows:

"They

1/ These changes are designed to cover the rights issue in terms that might be more negotiable -- if less satisfactory -- than the existing language. We might also consider whether, in view of the declaratory form of the agreement, any treatment of the rights issue will be required -- or whether we could be content with a separate statement on this point by Khrushchev. This is a field in which it may be dangerous to propose more than we expect to get, since first proposing and then backing away from ideal "rights" language would have more invidious implications than accepting an imperfect treatment of this question in the first place. Perhaps we could trade off a flexible treatment of the rights question for British firmness on the force level question, which is of far greater importance. As pointed out in the S/P memorandum of April 25 to the Secretary, the disadvantage of an interim agreement lies in its fixed term, rather than in what it does or does not say about rights.

SECRET

DECLASSIFIED

Authority NND 897220

By UCB NARA Date 7/84

SECRET

- 6 -

"They have accordingly directed the Foreign Ministers promptly to undertake, through such means as the latter deem most appropriate, a further discussion of this question and to develop specific proposals for an interim agreement which might, if necessary, be considered in a future meeting of the Heads of Government and, in any event, to report back to the Heads of Government no later than _____."

10. If our Allies and the Soviets insist on more substance in the directive, the following sentence might be added:

"The Heads of Government also agreed that this interim agreement should cover the question of a prohibition on atomic and missile installations in Berlin, the question of avoidance of objectionable activities in or with respect to Berlin, the question of maintaining continuing access to West Berlin, the question of maintaining a ceiling on military forces in Berlin, and that it should specify the means of settling disputes which may arise concerning this agreement and the term during which the agreement shall remain effective before any of the Four Powers can propose a change."

IX. Solution "C"

11. If the Summit does not agree on a directive for either an interim agreement or continuing negotiation, and if the Soviets then seem disposed to an early turn-over of access functions, we should then surface Solution "C."

12. This is intended as a means of implicitly establishing the GDR "agency principle" and thus of ensuring that our access rights and procedures will not be affected by a GDR take-over. It might, if other solution had proved non-negotiable, have some appeal for our Allies as a means of preventing interference with our access and for the USSR -- as a means of escaping a major crisis.

13. A short form of Solution "C" is included in the April 21 supplementary report of the Four Power Working Group. A still shorter -- and perhaps clearer -- form might be:

(a) A Western Statement that the Three Powers have absolute and unqualified rights, until Berlin is once more the capital of a reunified Germany, including the right to have their troops remain in West Berlin and to have free communications maintained as at present between West Berlin and the Federal Republic; and that they continue to hold the USSR responsible for the fulfillment of its obligations to the Three Powers in relation to these rights.

(b) A Soviet Statement indicating that access to West Berlin will be maintained in accordance with the procedures now in effect, and that these procedures may where it is not already the case be carried out by German personnel. (The East German authorities might make a parallel statement to the same effect.)

(c) The Western Powers would take note of this Soviet declaration and state that any disputes which might arise under its terms would be raised and settled between the Four Governments.

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MEETING OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

U.S. DELEGATION TRANSLATION OF FRENCH TRANSLATION
OF RUSSIAN TEXT HANDED TO FRENCH BY SOVIET AMBASSADOR
IN PARIS ON MAY 9, 1960

PROPOSALS OF THE SOVIET GOVERNMENT

The Soviet Government favors proceeding immediately to the signature of a peace treaty with the two German states. However, since such a solution of the problem raises objections on the part of the Western Powers, the Soviet Government, which as always strives to achieve concerted action on the German question among the four principal members of the anti-Hitler coalition, is prepared meanwhile to agree to an interim solution. This interim solution would consist of the signature of a temporary (provisoire) agreement on West Berlin, suited to prepare conditions for the ultimate transformation of West Berlin into a free city and the adoption of measures leading to the preparation of the future peace settlement. In this connection the Soviet Government proposes the following:

1. To conclude a temporary agreement for two years relating to West Berlin. The agreement would include approximately the same list of questions as those which had already been discussed in 1959 by the Foreign Ministers at Geneva and, without bringing any radical change to the actual status of West Berlin, would, however, open the way to the elaboration of a new and agreed status for the city corresponding to peacetime conditions.

The temporary agreement should envisage the reduction of the effective strength of the forces of the Three Powers in West Berlin, which reduction could take place progressively in several stages. It would likewise be suitable to put in writing the intention expressed by the Three Powers not to place in West Berlin any kind of nuclear weapons or missile installations.

The agreement should moreover include a commitment to take measures to prohibit the use of the territory of West Berlin as a base of subversive activity and of hostile propaganda directed against other states. Measures concerning the prohibition of subversive activities and of hostile propaganda with respect to West Berlin might likewise be envisaged under an appropriate form.

In the accord account would also be taken of the declarations of the Soviet Union and of the GDR concerning the maintenance of the communications of West Berlin with the outside world in the form in which they exist at present for the duration of the temporary agreement.

The engagements concerning the GDR could in that event take a form which would not signify diplomatic recognition of the GDR by the Western Powers who would be parties to the agreement.

To supervise the fulfillment of the obligations flowing from the temporary agreement regarding agreed measures in West Berlin, and to take, in case of necessity, measures assuring the fulfillment of the agreement reached, a committee could be set up composed of representatives of the French Republic, the United Kingdom, the Soviet Union and the United States of America.

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MEETING OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

INTERIM ARRANGMENT FOR BERLIN

(Western Proposal of July 28, 1959 with Revisions
Approved by Western Foreign Ministers May 14, 1960)

BERLIN

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By HLB NARA Date 7/7/71

The Foreign Ministers of France, the United Kingdom, the United States and the Union of Soviet Socialist Republics have examined the question of Berlin in the desire to find mutually satisfactory solutions to the problems which have been raised and which derive essentially from the division of Berlin and of Germany. They agreed that the best solution for those problems would be the reunification of Germany with the consequent re-establishment of Berlin as its capital. They recognize, however, that meanwhile the existing situation and the agreements at present in force can be modified in certain respects and have consequently agreed upon the following:

(a) The Soviet Foreign Minister has made known the decision of the Soviet Government no longer to maintain forces in Berlin.

The Foreign Ministers of France, the United Kingdom and the United States declare that it is the intention of their Governments to limit the combined total of their forces in Berlin to the present figure (approximately 11,000). The three Ministers further declare that their Governments will from time to time discuss the possibility of reducing such forces if developments permit.

(b) The Foreign Ministers of France, the United Kingdom and the United States further declare that it is the intention of their Governments to continue not to locate atomic weapons or missile installations in West Berlin.

(c) Free and unrestricted access to West Berlin by land, by water, and by air shall be guaranteed for all persons, goods and communications, including those of the forces of the Western Powers stationed in Berlin. The procedures in effect in April 1960 shall be improved with a view to facilitating communications. Freedom of movement will likewise be guaranteed between East and West Berlin. All disputes which might arise with respect to access will be raised and settled between the Four Governments. The latter will establish a Quadripartite Commission which will meet in Berlin to examine in the first instance any difficulties arising in connection with access and will seek to settle such difficulties. The Commission may make arrangements, if necessary, to consult German experts.

(d) Measures will be taken, consistent with fundamental rights and liberties, to avoid activities in or with respect to Berlin which might either disturb public order or seriously affect existing rights. The Secretary General of the United Nations will be requested to provide a representative, supported by adequate staff, to be established in Berlin, with free access to all parts of the city for the purpose of reporting to the Secretary General any activities which appear to be in

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SECRET

- 2 -

DECLASSIFIED

Authority NND 897220

By MCB NARA Date 7/94

conflict with the foregoing principles. The Four Governments will consult with the Secretary General in order to determine the appropriate action to be taken in respect to any such report.

(e) The arrangements specified in sub-paragraphs (a) through (d) above can in the absence of reunification be reviewed at any time after five years by the Foreign Ministers' Conference as now constituted, if such review is requested by any of the Four Governments. /The rights of the Four Powers in and relating to Berlin and access thereto shall remain unaffected by the conclusion of eventual modification or termination of this agreement./*

(f) All parties to this agreement shall refrain from any act prejudicial to the execution of the terms of the agreement.

* Foreign Secretary Lloyd suggested, and Foreign Minister von Brentano concurred, that this sentence might be omitted if there were a real possibility of negotiation.

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MEETING OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

WESTERN CRITIQUE OF NEW SOVIET PROPOSALS ON BERLIN TO BE PUT FORWARD
IF SOVIET PROPOSALS ARE RELEASED FOR PUBLICATION (U.S. TEXT)*

1. The Soviets are, in fact, proposing a solution of the German problem along standard Soviet lines. Under the guise of offering a Berlin solution, they are attempting to achieve at the end of the stipulated period of two years their major objectives in Germany which are currently the subject of dispute between the Soviet Union and the Three Western Powers. In this respect, the new Soviet proposals are even more unsatisfactory than those made by Foreign Minister Gromyko last summer in Geneva.

2. To accept the Soviet proposal would mean that the Allies have resigned themselves to the abolition of all their rights within the former capital, to leaving the city and to abandoning the population of free Berlin. At the 1959 Geneva Conference of Foreign Ministers, an essential issue was the position of the Western Powers in Berlin at the expiration of the time period specified for the arrangement on Berlin which was under discussion. The Western Powers maintained that, while the existing situation and the arrangements at present in force could be modified in certain respects in any such arrangement, the existing situation and such agreements would be basically unchanged at the end of this time period. The new Soviet proposals provide that, at the end of the temporary agreement which is to last for two years, the Western Powers will be committed to negotiate a statute for a "free city" of West Berlin, as well as to sign a peace treaty with both of the two German states, or at least with one of them if this seems preferable. The objectives of the temporary agreement, as stated by the Soviets, would be:

To prepare conditions for the ultimate transformation of West Berlin into a "free city," thus establishing a new separate German state which would remain devoid of the direct protection of Western armed forces;

The acceptance of the illegal regime of the so-called GDR as having equal status with the freely elected German Government in the Federal Republic of Germany; and

The adoption of measures leading to the conclusion of a peace treaty with the "two German states" or separate peace treaties, thus confirming the division of Germany.

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* The substance of this paper was agreed with the British, French, and Germans on May 15, 1960 and copies were given to them later.

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SECRET

- 2 -

DECLASSIFIED

Authority NND 897220

By UCB NARA Date 7/84

3. The Soviet proposal reveals more of what they have in mind when they speak of a free city, but there is little in this additional description which can overcome the fundamental injustices and dangers which have been seen in this concept ever since it was first launched. To begin with, the Soviet proposal disregards the axiom that there can be no definitive solution of the Berlin question in isolation. A real and lasting solution can only be found in the context of German reunification. However, the so-called free city would be a step towards fragmentation and not towards reunification. The Soviets propose not only the acceptance of a second German state in the form of the GDR but also the creation of a third German state in the form of the free city. Furthermore, the Soviet proposal for a free city of West Berlin would aggravate the existing division of Berlin, which in itself is a major contributing factor in making the Berlin situation abnormal. Taken in its entirety, the proposal gives wholly inadequate assurances that the freely established links between Berlin and the Federal Republic, which are essential to the city's welfare, could be maintained and developed. The provision regarding the withdrawal of Western forces seems to renew Soviet attempts to deprive the Western Sectors of the protection which had been constantly required in the past because of attempts to undermine freedom in Berlin. Finally, and this is perhaps most important of all, the reiteration of the Soviet proposal is a mockery of the right of self-determination, for the population of West Berlin has overwhelmingly rejected the Soviet idea of a free city of Berlin.

4. The Western Powers maintain that the Four Powers, including the Soviet Union, have a continuing responsibility to attempt to achieve the reunification of Germany. In this connection, the Western Powers made detailed proposals in Geneva on May 14, 1959, which they believed to be equitable and calculated to achieve German reunification on the basis of the principle of self-determination. They were willing to provide a role for German experts to assist them in discharging their quadripartite responsibilities. The new Soviet proposals, on the other hand, call for the establishment of an all-German committee or some other form of all-German talks, without in any way admitting the basic responsibility of the Four Powers. The Federal Republic of Germany has a freely elected government, based on the principle of self-determination. The regime of the so-called German Democratic Republic is not a representative government; hence, all-German talks would be essentially meaningless. If the people of East Germany could freely elect their government, there is little doubt that agreement on the reunification of Germany could be achieved in short order. But the rulers of the GDR are merely Soviet nominees. Consequently, the representatives of the Federal Republic in an all-German committee would be negotiating with nominees of the Soviet Government. Thus, what in fact the Soviet Government is proposing is that the reunification question should be settled between themselves and the Federal Republic without any role for the Western Powers or any representative of the East German population.

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Authority AND 897220

By HC8 NARA Date 7/74

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- 3 -

5. The Western Allies consider that, in the absence of an agreement for the reunification of Germany and thus at the same time Berlin, it is necessary both to avoid periodic crises and to preserve the possibilities of an ultimate understanding. Until a treaty of peace can be signed with the Government of a reunified Germany, the Western Allies are prepared to accept certain improvements in the existing situation, in a spirit of conciliation, but without sacrificing their views or obligating the Soviet Union to renounce its views. Various measures can be envisaged with respect to Berlin and to lessen the difficulties arising out of the division of Germany and of the city, but these measures must not create a situation in which, the rupture having been made definitive, both Germany and Berlin would be maintained in a state of permanent crisis. The Western Allies, for the various reasons indicated, are, therefore, unable to negotiate on the basis of the proposal of Mr. Khrushchev.

* * * * *

If queried as to whether the Western Powers find the provisions relating to access or the prohibition of certain activities satisfactory as they appear in the new Soviet proposals, Western spokesmen might reply along the following lines:

1. The Western Powers believe that continuing responsibility for the maintenance of free access to West Berlin should be that of the Four Governments, and that existing procedures relating to access should be maintained or improved. The Soviet proposals, on the other hand, involve joint declarations by the Soviet Union and the GDR, with the Soviet Union apparently withdrawing entirely from any responsibility for access once the two-year period has ended.
2. The Western Powers maintain that any measures to be taken to avoid certain activities in or with respect to Berlin should apply to all parties without discrimination. While providing for the possibility of a prohibition, in an appropriate form, of subversive activity and hostile propaganda with respect to West Berlin, the Soviet responsibility is left undefined and there is inadequate assurance that obligations in this field should apply reciprocally to both sides.

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MEETING OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

INTERIM AGREEMENT ON BERLIN -
POINTS OF DIFFERENCE IN SOVIET PROPOSALS*

July 28, 1959

May 9, 1960

Duration

1- $\frac{1}{2}$ years

2 years

Reduction of Western Forces

To not above 3,000 to 4,000 total.

Progressive reduction in several stages. (No figure mentioned.)

Free City of West Berlin

(Not explicitly mentioned.)

Purpose of proposal is "to prepare for eventual transformation of West Berlin into a free city."

Attributes of free city:

- No prejudice to Western Powers' interests;
- West Berlin's "way of life" to be maintained;
- No integration into GDR;
- No prejudice to economic and financial relations with other States, including FRG;
- Able to establish own relations (except military) with all States and international organizations;
- U.N. as well as Four Powers to guarantee.

Access

Soviet declaration to preserve in present form for duration of agreement.

Soviet and GDR declarations to preserve in present form for duration of agreement.

Subversive Activities, etc.

Interference in internal affairs, subversive activities, and hostile propaganda to be prohibited in West Berlin.

Subversive activities and hostile propaganda to be forbidden in West Berlin. (Interference in internal affairs not mentioned.)

Prohibition

* This U. S. paper was circulated to the British, French, and Germans on May 14, 1960.

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SECRET

- 2 -

July 28, 1959

May 9, 1960

DECLASSIFIED

Authority AND 897220

By HCB NARA. Date 7/5/94

Prohibition in appropriate form of subversive activity and hostile propaganda with respect to (i.e. directed against) West Berlin envisaged.

GDR Role

Declaration not to interfere in West Berlin internal affairs and to respect interim status.

Declaration to maintain Berlin communications in their present form for duration of agreement.

GDR engagements would take form which would not signify diplomatic recognition by Western Powers.

Supervisory Committee

To be set up within one month.

(No time limit mentioned.)

Result of Failure of All-German Negotiations

After expiration of agreement, States represented at Geneva will hold new negotiations on West Berlin.

If "two German states" refuse to talk with one another or after expiration of agreement:

- Four Powers will conclude peace treaty with two German States, or separate peace treaties, as they deem best;
- West Berlin to be transformed into free city, Soviet Union preferably elaborating statute jointly with Western Powers.

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COMPARISON OF THE SOVIET PAPERS OF
JULY 28, 1959 AND MAY 9, 1960*

No Change

The Soviet position remains substantially unchanged with respect to "Armaments," "Activities," "Access" (except that reference is made to a D.D.R. declaration in addition to the Soviet declaration foreseen in the proposals of July 28), and "Supervision" during the period of the agreement by a Four-Power body (except for the minor point that no mention is made of the body being set up within one month).

Improvements

The one apparent improvement is that the Russians would permit the "free city" to "establish in its own way (as a guise) its relations, whether foreign, political, economic, commercial, scientific or cultural, with all states and international organizations." The point is not dealt with in the Soviet July 28 paper. The new formulation seems to imply that the "free city" could permit the Federal Republic to represent it abroad as at present. But clarification of this point would be required.

The Duration of the agreement would be two years instead of 1½, but this is not really a significant improvement; the Russians have always said that they would be prepared to be flexible over duration. The essential point is what happens at the end of the agreement (see below).

Position during the agreement. It could be argued that the language in the Soviet paper of May 9 grudgingly accepts that Western rights will continue during the period of the agreement, but the language seems in substance to be very similar in the two proposals, viz.

July 28

"The participants in the Conference have agreed to implement, with the aim to change the existing situation in West Berlin, measures which will be of an interim nature."

May 9

"The agreement while not bringing about any radical change in the present status of West Berlin, would open the way to the elaboration of an agreed new status for the city in keeping with peacetime conditions."

Steps

* British paper circulated to Americans, French, and Germans May 19, 1960.

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- 2 -

Steps backwards

Position at the end of the agreement. In this respect the language in the later Soviet paper leaves no doubt about what is to happen after the end of the period of the agreement, the Four Powers will sign peace treaties with both or one of the "two German states" as they think fit and West Berlin will be turned into a "free city." There is also a hint in the latest proposal that, if the Western Powers will not cooperate, the Soviet Government will unilaterally establish the "free city." The language used in the two proposals is as follows:

July 28

"If after the expiration of the year and a half period no agreement will have been reached on the questions under consideration within the all-German Committee or otherwise, then the States represented at the Geneva Conference will again hold negotiations on the question of West Berlin."

May 9

"In putting forward these proposals, the Soviet Union starts from the idea that, if the German States refuse to engage in discussions with each other or if, on the expiry of the provisional agreement it is evident that they are not able to reach an understanding, the Four Powers will sign a peace treaty with the two German states, or with one of them as they think fit. Measures will be taken, moreover, to turn West Berlin into a free city. The Soviet Union would prefer to work out the status of the free city of West Berlin in conjunction with France, the United Kingdom and the United States."

Force Levels in Berlin

The Soviet paper of May 9 envisages a progressive reduction in stages of the forces of the three Western Powers in West Berlin whereas the paper of July 28 said that the total strength of the garrisons should be reduced to 3-4,000 men. The new Soviet language is probably more objectionable because it seems to imply that the West is committed to total withdrawal from West Berlin. The language of the two papers is as follows:

July 28

"The Governments of the United Kingdom, the United States of America and France after the coming into force of the present agreement will reduce the strength of their garrisons in West Berlin and correspondingly their armaments to token contingents so that the total strength of these garrisons should not exceed 3-4,000 men."

May 9

"The provisional agreement should provide for the reduction of the forces of the three Western Powers in West Berlin. This reduction can be carried out progressively, in several stages."

DiscussionSECRET

SECRET

- 3 -

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By UCB NARA Date 7/4/4

Discussion of all-German Questions

The Soviet position has progressively hardened. Thus the Soviet Paper of May 9 does not even mention the word "unification" (although it should be noted that it also does not in this context mention "peace treaty"). Similarly, the Soviet Paper of July 28 changes the order of priority of the work of the proposed all-German Committee as compared with the priorities laid down in the Soviet Paper of June 19. The basic Soviet aims are of course to get the all-German Committee established on a basis of parity and outside Four Powers control. What the Committee discusses is only of secondary importance. The relevant extracts from the three papers (underlinings added) are as follows:

June 19

"During the period agreed upon between the parties to the agreement the two German states will carry out measures relating to the establishment and activities of an all-German Committee composed of the representatives of the German Democratic Republic and the Federal Republic of Germany on a parity basis. The Committee should promote the extension and development of contacts between the German Democratic Republic and the Federal Republic of Germany, discuss and work out concrete measures for the unification of Germany and consider questions pertaining to the preparation and conclusion of a peace treaty with Germany."

July 28

"The Four Powers - the United Kingdom, the U.S.S.R., the United States and France -- have pronounced themselves in favor of setting up an all-German Committee composed of the representatives of the two parts of Germany, or holding negotiations between the two German states in some other form acceptable to them to consider questions related to the preparation and conclusion of a peace treaty with Germany which would also ensure a radical solution of the question of West Berlin and to consider and work out concrete measures on the unification of Germany and the development of contacts."

May 9

"At the same time as they conclude an agreement on West Berlin, the Four Powers should make a declaration inviting the two German states to take advantage of the interim period fixed by the agreement to try to arrive at a common point of view on the German question. Contact might be established between the two German states by the creation of an all-German Committee or by some other means acceptable to them both."

May 17, 1960.

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INTERIM BERLIN AGREEMENT*

COMPARISON OF THE WESTERN AND SOVIET POSITIONS AS SET OUT IN THE SOVIET PAPER
OF MAY 9, 1960 AND THE WESTERN PAPER OF MAY 13, 1960

Western Position

Soviet Position

I. Force Levels in Berlin

"The Soviet Foreign Minister has made known the decision of the Soviet Government no longer to maintain forces in Berlin." "The Foreign Ministers of France, the United Kingdom and the United States of America declare that it is the intention of their Governments to limit the combined total of their forces in Berlin to the present figure (approximately 11,000). The three Ministers further declare that their Governments will from time to time consider the possibility of reducing such forces if developments permit."

"The provisional agreement should provide for the reduction of the forces of the three Western Powers in West Berlin. This reduction should be carried out progressively, in several stages."

II. Armaments

"The Foreign Ministers of France, the United Kingdom and the United States further declare that it is the intention of their Governments to continue not to locate atomic weapons or missile installations in West Berlin."

"It would be appropriate also to record in writing the intention expressed by the Three Powers not to locate either atomic arms or rocket weapons of any sort in West Berlin."

III. Activities

"Measures will be taken, consistent with fundamental rights and liberties, to avoid activities in or with respect to Berlin which might disturb public order or seriously affect existing rights. The Secretary-General of the United Nations will be requested to provide a representative, supported by adequate staff, to be established in Berlin, with free access to all parts of the city for the purpose of reporting to the Secretary-General any activities which appear to be in conflict

"The agreement ought also to include the undertaking to ensure a ban on the use of the territory of West Berlin as a base for subversive activity and hostile propaganda directed at other states. Arrangements for a ban on subversive activities and hostile propaganda in respect of West Berlin might equally be provided for in some appropriate form. (The undertakings involving the D.D.R. might take a form which would not imply diplomatic recognition of the D.D.R. by the Western Powers, parties to the agreement.)"

* British paper circulated to Americans, French, and Germans May 19, 1960.

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SECRET

- 2 -

conflict with the foregoing principles. The Four Governments will consult with the Secretary-General in order to determine the appropriate action to be taken in respect of any such report."

Duration of the Agreement

"The arrangements specified ... above can in the absence of reunification be reviewed at any time after five years by the Foreign Ministers' conference as now constituted, if such review is requested by any of the Four Governments."

"The Soviet Government proposes the ... conclusion of a provisional agreement on West Berlin for two years."

V. Access

"Free and unrestricted access to West Berlin by land, by water, and by air shall be guaranteed for all persons, goods and communications, including those of the forces of the Western Powers stationed in Berlin. The procedures in effect in April 1960 shall be improved with a view to facilitating communications. Freedom of movement will likewise be guaranteed between East and West Berlin. All disputes which might arise with respect to access will be raised and settled between the Four Governments. The latter will establish a Quadripartite Commission which will meet in Berlin to examine in the first instance any difficulties arising in connection with access and will seek to settle such difficulties. The Commission may make arrangements, if necessary, to consult German experts."

"The agreement would also take account of the declarations of the Soviet Union and of the D.D.R. on the maintenance of the communications of West Berlin with the outside world in their present shape for the duration of the provisional agreement. (The undertakings involving the D.D.R. might take a form which would not imply diplomatic recognition of the D.D.R. by the Western Powers, parties to the agreement.)"

[See also "Supervision" below.]

VI. Supervision

- "(a) Supervision of access by means of a Quadripartite Commission (see V above).
- "(b) Supervision of activities by a United Nations representative (see III above)."

"To supervise the carrying out of the obligations arising from the provisional agreement on West Berlin and to adopt, as necessary, measures for guaranteeing the applications of the

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SECRET

- 3 -

agreement when it has been concluded, a Committee might be created of representatives of France, the United Kingdom, the Soviet Union and the United States."

VII. The position during the Agreement

"The Foreign Ministers of France, the United Kingdom, the United States and the U.S.S.R. have agreed that the best solution for these problems would be the reunification of Germany, with the consequent re-establishment of Berlin as its capital. They recognize, however, that meanwhile the existing situation and the agreements at present in force can be modified in certain respects and have consequently agreed upon the following All parties to this agreement shall refrain from any act prejudicial to the execution of the terms of the agreement."

VIII. Position at the end of the Agreement

"The arrangements specified above can in the absence of reunification be reviewed at any time after five years by the Foreign Ministers' Conference as now constituted, if such review is requested by any of the Four Governments. /The rights of the Four Powers in and relating to Berlin and access thereto shall in no way be affected by the conclusion or eventual modification or termination of this agreement./ All parties to this agreement shall refrain from any act prejudicial to the execution of the terms of the agreement."

"The agreement while not bringing about any radical change in the present status of West Berlin, would open the way to the elaboration of an agreed new status for the city in keeping with peacetime conditions."

"In putting forward these proposals, the Soviet Union starts from the idea that, if the German states refuse to engage in discussions with each other or if, on the expiry of the provisional agreement, it is evident that they are not able to reach an understanding, the Four Powers will sign a peace treaty with the two German states, or with one of them, as they think fit. ... Measures will be taken, moreover, to turn West Berlin into a free city. The Soviet Union would prefer to work out the status of the free city of West Berlin in conjunction with France, the United Kingdom and the United States."

IX. Discussion

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By HCB NARA Date 7/7/1

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SECRET

- 4 -

IX. Discussion of all-German Questions

"The Geneva Conference of Foreign Ministers as at present constituted shall continue in being for the purpose of considering the German problem as a whole. It should also consider questions relating to the extension and development of contacts between the two parts of Germany. For these purposes the Conference shall meet from time to time at such level and at such place as are agreed. The Conference may also make special arrangements for the consideration of particular questions arising out of its terms of reference as defined above."

"At the same time as they conclude an agreement on West Berlin, the Four Powers should make a declaration inviting the two German states to take advantage of the interim period fixed by the agreement to try to arrive at a common point of view on the German question. Contact might be established between the two German states by the creation of an all-German committee or by some other means acceptable to them both."

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JOINT COMMUNIQUE

issued by Great Britain, France, and the United States
at Paris on May 17, 1960

"The President of the United States, the President of the French Republic and the Prime Minister of the United Kingdom take note of the fact that because of the attitude adopted by the Chairman of the Council of Ministers of the Soviet Union it has not been possible to begin, at the Summit Conference, the examination of the problems which it had been agreed would be discussed between the Four Chiefs of State or Government.

"They regret that these discussions, so important for world peace, could not take place. For their part, they remain unshaken in their conviction that all outstanding international questions should be settled not by the use or threat of force but by peaceful means through negotiation. They themselves remain ready to take part in such negotiations at any suitable time in the future."

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COMMUNIQUE

Issued at conclusion of meeting of North Atlantic Council convened May 19, 1960 to hear statements from Foreign Ministers of France, United Kingdom, and United States.

The Permanent Council of the North Atlantic Treaty Organization met in Paris on 19th May 1960 and heard statements from the Foreign Ministers of France, the United Kingdom and the United States on the events which prevented the holding of the Summit Conference.

In the communique published at the end of its meeting in Istanbul, the Atlantic Council welcomed the prospects of negotiations with the Soviet Union and expressed the hope that these negotiations would lead to an improvement in international relations. It regrets that Mr. Khrushchev's position has made negotiations in Paris impossible. Re-affirming the complete solidarity of the countries of the Alliance it fully approves the statement of the three Heads of State or Government in which they "remain unshaken in their conviction that all outstanding international questions should be settled not by the use or threat of force but by peaceful means through negotiation," and "remain ready to take part in such negotiations at any suitable time in the future."

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